1-07-04 Public meeting held to discuss the Los Alamos National Laboratory's (LANL) Risk-Based End-State Vision document. The Department of Energy (DOE) and LANL hosted the meeting.

Summary of questions discussed during the meeting are provided below. Commitments made to the audience are also listed separately below.

Questions:

1. Discussion concerning the purpose of the risk based end-state document, what the document will affect once approved and made final.

2. Discussion concerning the risk based end-state document as a decision document versus an end-state document, relative to it becoming a policy upon approval and final issue. This issue was reiterated by audience participants several times relative to final budget and decision issues.

3. Discussion concerning the lack of clear regulatory requirements and/or drivers for the risk based end-state document. The lack of clear intent and regulatory drivers for the document was reiterated by audience participants several times. This question was not answered to the participant's satisfaction, despite clarification provided by Mr. Daley.

4. Discussion concerning the lack of clarity for the overall use of "risk." The relevance of using "risk" as a basis for the risk based end-state document, or for any document by the DOE and LANL for clean up issues was questioned and discussed repeatedly by audience participants.

5. Discussion concerning baseline budget, accelerated budget, zero budget, budget approval processes, and continuing future clean up processes based on approved budget. The relevance of budget to the risk based end-state document, baseline budget and accelerated budget was discussed repeatedly by audience participants.

6. Discussion concerning the lack of a public participation process with specific criteria using a defined, documented, and approved plan relative to the risk based end-state document. The lack of adherence by the DOE to the public participation process defined in DOE Order 435.1 was specifically identified. The perceived lack of a planned public participation processes was reiterated repeatedly by audience participants.

7. Discussion concerning the lack of adequate time for review and comment by the public, to ensure the public is included in all the decision making processes relative to the risk based end-state document. A request for phone numbers on post-card as previously done on notifications was made.

8. Discussion concerning the difficulty and/or inability to access DOE and LANL documents by the public. Specific discussion occurred concerning "official use only" documents. This discussion led to additional discussion about the lack of public involvement.

9. Discussion concerning land use, industrial and residential determinations, contamination levels, current and past processes used by the DOE for clean up, and future abilities to clean up the waste. Discussion concerning current contamination levels of sites, leaving waste in place, a single waste deposit area, and the realistic/unrealistic clean up levels, radioactive/nonradioactive waste, and solid waste units was discussed by several audience participants.

10. Discussion concerning land use in conjunction with the removal of sites from regulatory permits.

11. Discussion concerning general mistrust of the DOE and LANL by the public.

Commitments made by the DOE to audience participants.

1. A name would be provided to help resolve access issues to the document. Mr. Gregory further stated that hard-copies and CDs are available.

2. The time-frame for sending written comments on the document has been extended to February 27, 2004.

3. The message will be taken to DOE Headquarters, EM that the review and comment period for documents needs to be lengthened and the process defined and clarified to ensure full public participation. Mr. Gregory responded that the DOE understands there is a concern, that the public feels that they have not been given adequate time to review and comment. He stated that DOE will be in continued dialogue with the DOE Headquarters, and will discuss the issue. Mr. Daley also explained that the decisions will not be unilateral. Mr. Daley committed that the DOE will do better at providing a planned process that involves the public.

4. The need for a documented plan that outlines public participation, review processes, budget impacts, final clean up assumptions and goals that includes input by the public will be discussed with DOE Headquarters.

5. Mr. Gregory stated that EM completion isn't dependant on removing sites from the permit. An audience participant responded: "Okay, write that in the vision statement." Mr. Gregory responded that it was "a good comment."

6. Jay Cogman, Nuclear Watch of New Mexico requested that a copy of the Ten-year Comprehensive Site Plan be provided to him. Mr. Gregory stated that the requested had been noted.

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Rich Daley, Department of Energy, Headquarters, Washington D.C., opened the meeting, and acknowledged that the meeting was getting started later than the designated time.

Mr. Daley stated that he was present because Jessie Roberson, Assistant Secretary, Environmental Management at the Department of Energy, wants to make certain someone from DOE Headquarters is available to answer questions and offer a headquarters perspective, if necessary, on the risk based end-state process, where DOE is going and some of the changes that DOE is trying to make programmatically across the complex.

Mr. Daley stated that he would be available to answer any questions at any time during the meeting on anything the audience would like to talk about related to the clean-up program.

Mr. Daley provided a brief synopsis of his background, highlighting the types of personnel he has worked with over the years, federal staff, UC staff, and regulators. He stated that everyone involved in clean up is talented, and hard-working. He reiterated that everyone will have to work together to overcome various obstacles that ultimately will allow delivery of cleanup for Los Alamos that is risk based and fully protective of human health and the environment.

Mr. Daley stated that the document being discussed is a risk based vision document. He further stated that the document is not a decision document, or a unilateral planning document. He stated that to call the document a planning document would be premature. He briefly discussed that corporations of various sizes have vision and mission statements that discuss where they want to be at some point in the future, their corporate strategies and goals. He emphasized that these risk based risk based vision statements are where DOE believes they need to go to provide cleanup that protects human health and the environment, that have been very effective. He stated that goals, visions and risk based end states summarized what the audience was going to hear about during the evening.

Mr. Daley proceeded to explain how the evening was to progress:

- Poster sessions with various DOE and UC staff discussing what he has presented, to begin as soon as he completed.
- Poster session will run until 6:00 p.m., at which time David Gregory, DOE from the Los Alamos staff office will make a presentation.
- Prior to Gregory's presentation Daley suggested that the audience look at the posters, talk to the staff present, discuss with him issues they might want to ask headquarters, provide their perspective and level of desired involvement.
- Mr. Gregory to present information and conclude his presentation with a formal question and answer period.

Mr. Daley reiterated that everyone should review the posters, discuss them with the staff, and closed his portion of the evening with a notice that they would reconvene at 6:00 p.m. with Mr. Gregory's presentation.

Presentation by Mr. David Gregory, DOE.

Welcome provided by Mr. Gregory and acknowledgement of introductions by Mr. Daley of DOE Headquarters. Mr. Gregory introduced himself as the federal project director at Los Alamos, working for the DOE. He stated that he and everyone in the audience was there to discuss the risk based end-state vision at Los Alamos National Lab; how it affects cleanup, and the role it (risk based end-state) will play in making decisions on environmental restoration as well as determining when they will be finished with EM completion. Mr. Gregory stated that it plays the biggest role in making decisions on environmental restoration from a rational, sound view point. He discussed his role as project manager and explained that he is part of a small but very robust group of the DOE employees tasked with planning, directing, and overseeing environmental cleanup at Los Alamos.

Mr. Gregory asked "where does EM fit into the big picture?" He answered rhetorically that the viewgraph being displayed was intended to show that EM is part of the overall mission for NNSA. He further stated that there has been some thinking that the EM mission is the only form of environmental protection at Los Alamos. He stated emphatically that such thinking is not true. He further state that environmental protection has been ongoing with NNSA and the predecessor agencies – the DOE and the Atomic Energy Commission, essentially since their inception and continues now. He also stated that in the very near future a new program is going to be revealed targeted for a continuous risk reduction mission. He stated that risk reduction is an active and ongoing program.

Mr. Gregory explained that the EM program is made up of both environmental restoration (ER), waste management (WM). He further explained that for ER there is are a little over 2,000 sites where the DOE has affected cleanup, with remedial action to date of 200 sites. The goal if the DOE is able to sequester the right funding levels, is to complete each site currently on their radar that is identified as a potential release site or an area of concern by the year 2015, while ensuring the tasks are protective of human health and the environment.

Mr. Gregory proceeded to explain that the risk based end-state initiative is to ensure the protection of human health and care to the environment for planned use. He stated that the DOE wants to have this understanding at the beginning of the meeting, and that it will be stressed again at the end. He stated that the DOE initiatives invite and encourage participation and involvement by the public. He further stated that the [risk] initiative allows for change and ensures that environmental protection extends beyond EM completion. He also stated that it will be consistent with EM policy and defines cleanup goals necessary for planning and budgeting purposes. He emphasized that this is a crucial part. He used building a house and asking for financing from a bank without clear plans as an analogy. He explained that the DOE provides budget requests to DOE Headquarters in Washington D. C. and that they in turn make a request of congress through committees. He explained the

importance of Headquarters being able to understand what the end result will be, and the need for DOE to have a vision, with plans in place that represent funding levels, and what tax payers can expect to see in terms of the reduction of risk at Los Alamos.

Mr. Gregory explained that risk based end state vision is not a new concept. He stated that the DOE currently has a risk based end-state document that is in draft form, that some in the audience have looked at. He further explained that the concept is not new to the approach the DOE has been using at Los Alamos for the last ten years or more. Mr. Gregory elaborated that the audience was invited to look at the document in its entirety.

Mr. Gregory explained that a risk based end-state is not the end of environmental protection, and emphasized once again that the document is not a decision document. Rather it is a means to define goals, and is not a counterproposal to the New Mexico Order. He explained that it is not a short-cut intended to circumvent the regulations that are currently in place. He stated that for most of the sites the DOE executes plans that accomplish cleanup goals that are set by public policy and overseen by the Environment Department, and Region 6 who is in charge of enforcing and seeing that regulations are met, and minimum standards followed.

Mr. Gregory explained that there is an inter-relationship between risk, land use and end-state. He further explained that the end-state discussion explains how DOE will get there. He further explained that it is predicated on land use, and the risk associated with a specific piece of land. He stated that land use for the facility deals with industrial use or perhaps a recreational component. He stated other land use scenarios will be considered residential land use. Mr. Gregory explained the question to be answered is "does the work to be accomplished satisfy an option of projected land use for residential, or is it going to be land use that accommodates industrial." He stated that risk based end-state vision is not going to be dependant on funding. It is not tied to funding. It simply sets the stage for what the cleanup goals are for DOE.

Mr. Gregory identified that risk includes: what, how much, who, where, how, and for how long.

- What component is related to contaminants - what are the contaminants being dealt with.
- How much – what are the levels of those contaminants, what are the concentrations in the soil or water, etc.
- Who, where, how, and how long are the receptors – people. The exposure incurred from being at or near a site, and how long that exposure lasts.

Mr. Gregory explained that the connection to risk and intended risk is similar to how the highway department establishes speed limits on the highway. He described unrestricted use for an open door policy where people can walk across the highway at will, versus where children are play or are at school. He stated risk is high if there is a high speed limit for specific areas. Consequently, a lower speed limit has been adopted. In areas where there is restricted use, freeways with dividers in the highway, speed is allowed to be faster, because the risk is appropriate to allow a speed of fifty, sixty, and seventy-five miles per hour.

Mr. Gregory reiterated the inter-relationship between land use and end-state. Looking at the planned land use provides an idea of the risks associated with that land use and provides an end-state – what can be expected to be left behind if there is contamination in place, with an active laboratory and operating facility. The determination of what contamination would be permissible to leave in place. He clarified that the risk is associated with the use. The DOE goal he stated is to be conservative, yet very responsible.

Mr. Gregory provided end-state assumptions

- Clean up to residential standards for town site areas.
- Clean up to industrial standards for areas that will remain for industrial use for the foreseeable future.
- Identification of areas critical to the lab mission.
- Clean up to recreational standards where appropriate.
- Identification of specific MDAs – cleanup consistent with projected land use.
- Legacy waste for both mixed low level as well as TRU waste will be disposed offsite.
- Areas where all contamination can't be removed, monitoring will occur to ensure that the regional aquifer is protected as the drinking water source.

He stated that DOE feels that all the assumptions will essentially be met when the EM mission is complete. Mr. Gregory stressed that he wanted to make certain that when he discusses cleanup it is about legacy waste, that waste that was generated from former or lab practices up to around the mid 1980s.

Mr. Gregory explained that environmental cleanup is defined and dependant on current and projected land use and the risk associated with that use. He stated that an example to consider would be a household and an operating room at a fabrication processing facility where they made chips/wafers. He requested the audience to consider what would be an acceptable level for the air in the room to breathe. He explained that an acceptable air level would be more stringent for an operating room. He stated that a house could be cleaned up, the kitchens, garages, and bathrooms to those same standards, but the overall gain of clean up to that level needed to be determined. He explained that if businesses provided clean up to the same quality of air permissible in an operating room they would be out of business, because they wouldn't be able to manufacture chips in a cost effective manner. He discussed that we have the technology that would enable us to clean up our homes to those standards, however it is questionable if anyone would want to impose those standards, or accept the cost. He stated that the question would be asked "way are we doing this, what is the benefit, what are we gaining from this, is this necessary?" He stated that it is the same when DOE tackles and tries to establish the environmental clean up goals.

Mr. Gregory stated that the next couple of slides discussed environmental clean up. He discussed that he was showing one of the sites at one of the technical areas - Sandia Canyon. He further explained that it is an ongoing industrial site. He stated that just under 2,000 cubic yards of PCB contaminated soils have been removed. He shared that once the cleanup was finished the site was restored. The slopes were contoured and erosion control measures put in place. He stated that revetment transition was placed between the slopes and the

parking lot. He stated that it is an industrial site. Mr. Gregory continued that someone asked earlier "is it true that we're simply not going to do clean up on industrial sites?" Mr. Gregory's answer was that this is not an isolated clean up scenario, there are a number of these around the Lab. He stated that there are already around 211 – 213 sites that we have affected clean up. He continued that not all of them are industrial, but a number of them are.

Mr. Gregory informed the audience that as they read through the document he is hopeful they will read, digest, and comment back. He further stated that he wants to make certain that there is nothing in the document that will leave readers with the impression that the DOE is abandoning or moving around the current clean up process. He stated that the clean up process will remain essentially unchanged once the end-state document goes beyond final, is developed, approved and becomes policy. He continued that if there is a spill or an occurrence there will be immediate source removal - no change. He stated that in areas where there is historical information on contaminant levels, the initial action will be to characterize and then determine the nature and extent of the contamination. Following those actions a determination or identification of risk will occur. Mr. Gregory shared that the risk determination will prompt the question "are the current risk levels protective, are they protective of human health?" If the answer to the question is "no" the DOE will expect additional work to be done to ensure protection of human health and the environment. Additional work may be remediation or perhaps emplacement of institutional controls; fencing, a change in the process in some of the lab facilities, etc. If it is determined to be protective then the DOE job for the EM mission is considered finished, complete. The DOE goal is to achieve a site, watershed, watershed aggregate that meets or exceeds the goals of being protective of human health and does not cause harm.

Mr. Gregory shared some final thoughts:

The DOE and our contractor, the University of California will always apply available funds to the highest risk sites first. The risk based end-state vision document is not the end of environmental protection at LANL. The regulators, the New Mexico Environment Department and in some cases the Environmental Protection Agency make final decisions. Modifications to this document can and will be made based on the comments that the DOE receives. The document is being circulated around the community-at-work, the federal community, among contractors, as well as the audience. Mr. Gregory restated that the DOE encourages public participation. He shared that the document can be found using this URL being provided (on the overhead). A discussion occurred about known difficulties being able to access the document. A commitment was made that a name would be provided to help resolve the access issue. Mr. Gregory further stated that hard-copies and CDs are available. Further, he explained that the time-frame for sending written comments has been extended to February 27, [2004].

Mr. Gregory called for questions.

Question 1: Participant not identified. What is the process after the comments, the process to make it through to the policy?

Answer 1: Comments will be reviewed, decisions will be made on incorporating comments as appropriate. Mr. Gregory requested clarification on the time-frame for the final document from Mr. Daley. Mr. Daley responded that it would be March 31, [2004].

Question 2: Two concerns about the announcement notifying the public of the meeting:

a) The announcement did not have a phone number, but relied heavily on the e-mail and the internet which is problematic for many people in New Mexico. A request was made that telephone numbers be included on the post-cards like they were before.

b) Where can the regulatory definition risk be found for risk that DOE is using in the risk based end-state document? What is the basis? Is there a RCRA, or superfund definition of risk?

The audience participant provided additional clarification: since the money has been cut at LANL in terms of clean up, LANL has said that they need a regulatory driver in order to do the cleanup. The audience participant continued that based on her research, as far as she could find, the entire risk based end-state, the only definition she was able to find was from the DOE Order, which is a DOE self-imposed rule to push this effort forward.

Answer 2: Mr. Gregory responded to b): We have adopted the EPA's Region 6 definition of risk.

Question 3: Same unidentified participant as Question 2: Where is the [EPA's Region 6] definition [of risk] found in the document?

Answer 3a: Mr. Gregory responded. He stated that he was unsure of the reference, and requested Diane Hollis answer the question.

Answer 3b: Ms. Hollis responded that the introduction of the document has a proposed set of performance measures. The performance measures assume that the [EPA] Region 6 Corrective Action Strategy would be implemented as the "how." The how is the strategy for achieving the risk based end-states (reference was made to a table in the introduction).

Additional discussion provided by Ms. Hollis: When talking about risk there is a probability of exceeding a standard, due to the need to perform clean up in the future. Consequently, there is a lot of uncertainty in the projections used. What is proposed in the document is 10^{-5} or a one in one hundred thousand chance of exceeding, for example an MCL in drinking water.

3c: Mr. Gregory interrupted the discussion, stating that he wasn't certain the question was being answered concerning the reference used for the definition of risk.

3c: Same audience participant*:* She stated that she feels no one can provide the basis for the risk. It appears to be DOE imposed. Her concern is that the reference found in the document is based on the Performance Management Plan. She asked what the CFR reference is, or the United States code. She also asked what the regulatory basis is for this document.

Audience participant also responded that in terms of public participation in this process, the document was provided to the public on Friday with a request to respond with comments by Monday at 5:00 on a holiday weekend. Audience participant stated that the document is built on a very limited opportunity for public comment.

3d: Response to 3c by Rich Daley. Mr. Daley agreed that the audience participant was correct. He didn't feel a definition of a risk based end-state could be found in the CFR. He went on to explain that DOE, EPA, DOD and private sector parties use basically the same definition of risk. That is what Diane Hollis talked about earlier. The statutes under which clean up is conducted, CERCLA, RCRA, Atomic Energy Act all allow for the consideration of land use when determining the clean up levels are acceptable and remediation technologies will be used. Risk based end-states is a DOE coined term that links risk to long term land use. This effort is about linking risk: contaminants, exposure, and risk to what the ultimate long term land use is. This is done to ensure that clean up is appropriate for a particular land use. Mr. Daley asked the audience participant if they had answered the question. The response was no, however the participant chose to table the discussion.

Question 4a: Audience participant unidentified. The question was not clear on the tape. A microphone was not used, however was able to discern the phrase "clean ups that are residential."

Answer 4a: Mr. Gregory responded. Part of the process is to establish plans that show realistic and achievable goals. To clean up to the residential standards in a facility that has been in active operation and doesn't have a foreseeable end to that operation doesn't make any sense.

4b: Question Same audience participant: "You won't do cleanup if they're not residential standard?"

4b: Answer: Mr. Gregory responded. DOE hopes to work through that with the Environment Department.

4c: Question: Audience participant: "Do you expect to succeed?"

4c: Answer given by Mr. Gregory was "No".

Audience participant asking a question in the background, this question was not clarified or answered.

Question 5: Audience Participant. Isn't it true that the state of New Mexico has clean up standards for industrial clean up in addition to residential clean up?

Answer 5: Mr. Gregory responded. "Yes."

Question 6: Audience Participant. "Isn't it true that the EPA has another set of standards for industrial clean up?"

Answer 6: Mr. Gregory responded. "That is true."

Question 7: Audience Participant. "Is it true that in our risk based process identifying the land use points us towards the appropriate standard for clean up?"

Answer 7: Mr. Gregory responded. "That is the goal."

Additional response provided by Mr. Daley. He stated in the scheme of things the state of New Mexico has set standards for other than residential cleanup, and the DOE is utilizing those standards as every industry in the state is to assess clean up. One of the things that the DOE is doing is the land use scenario and the DOE will be working with the state of New Mexico.

The state of New Mexico for non radionuclide contaminants will approve clean ups, not the DOE. For radionuclide the DOE works with the state of New Mexico, receives and resolves comments from the state of New Mexico, and makes a decision on clean up. The DOE uses the ALARA process. Mr. Daley used Acid Canyon as an example and elaborated on the Acid Canyon land use process that occurred and changes that were made based on comments that were provided.

Mr. Daley discussed further that dependant on the compound there might be a different organization that would approve [land use].

Clarification was provided by an unidentified participant: He stated that the state has established industrial screening levels not clean up standards for guidance. It sounded like you stated that we had established industrial clean up standards, and we have not. It is screening levels, there is no guidance.

Question 8: "It is my understanding that the guidance was to pass the screening levels. Do you want to make a statement about passing the screening levels, based on land use?"

Answer 8: Mr. Gregory responded. "At this time, no."

Question 9: Question asked by Mr. Gregory (of someone named Dave). He asked if "for an industrial use scenario you would approve a work plan, and if the DOE executes against a work plan that it is possible, that DOE would be in agreement, there would be no further action, yet come short of being able to say that the DOE will remove the site from the permit pending the final disposition of the site?"

Answer 8: Participant responded: “Maybe.”

Question 9: Audience Participant. “My understanding is that it won’t come off the permit unless it is residential standards.”

Answer 9: Provided by Mr. Gregory. A different scenario exists between approving a work plan and being able to remove it from the permit.

Question 10: Audience Participant. “Removing it from the permit then is not the goal?”

Answer 10a: Provided by Mr. Gregory. Not necessarily. Not in all cases. It would be ideal, but it doesn’t define the emission by any means. We want to get to a no further action scenario where we can ensure that we don’t have a situation remaining that is harmful. It is a DOE goal, but EM completion isn’t dependant on removing sites from the permit.

10b: Question/Response: “Okay, write that in the vision statement.”

10b: Answer: Provided by Mr. Gregory. “Good comment.”

Question 11: Kathryn Gedrey, Northern New Mexico Citizens Board. She asked what standard or criteria for public involvement is being used. She further clarified, by asking what process the DOE is using.

Ms. Gedrey continued to explain that a process had been used with Beverly Ramsey, Paul Shuman and others to do a public involvement process with the communities of Northern New Mexico adopting the IAP2 Public Involvement. She stated that the process systematically informs, consults, involves, collaborates and empowers people to come into the process to speak. She expressed concern about the lack of notice, lack of opportunity to speak, and the lack of the general public being informed with Public Service Announcements (PSA), to inform the public in a realistic way of what is being done, so the comments can be real. Additional concern expressed that the current meeting is the only meeting planned to date.

Answer 11: Provided by Mr. Gregory. Mr. Gregory stated that he didn’t know that EM has defined a process. He further stated that that EM’s plan is very robust, and that the manager, Ms. Roberson, Assistant Secretary for the Environment, discussed earlier by Mr. Daley, has a very aggressive plan. The risk based end-state is one of the important initiatives for the DOE to follow to define when the DOE is finished. He stated that the DOE hasn’t had a lot of time to develop the plan. He stated that he could apologize, but he wasn’t sure of the benefit. He further stated that he knew the DOE was a little late getting the document it out, but it was very soon after the draft was finalized. He stated that the DOE is open and encouraging comments. He stated that he didn’t have an answer if there is a process identified, that he wouldn’t be the one to know that information.

11a: Further comment by Ms. Gedrey: She stated that she couldn’t imagine a process with a realistic public involvement that had a two-month period for comments (first of January to

end of February). She requested that she be educated if it is a criteria that she doesn't understand personally.

11a: Mr. Gregory responded that the DOE understands there is a concern, that the public feels that they have not been given adequate time to review and comment. He stated that DOE will be in continued dialogue with the DOE Headquarters, and will discuss the issue.

11b: Ms. Gedrey expressed concern that this is a lengthy process, the people of New Mexico include more than the participants in the room. She further expressed her feelings that the process to date has not been respectful of the people the DOE is interacting with.

11b: Mr. Daley responded that it is important to realize that the creation of the vision document is only the first step in looking to see what the risk based end-state will be, and whether or not there needs to be changes to the existing remedial action baseline all across the complex. He further explained that the documents will go to Headquarters as a draft, they will then go through another draft. He stated that he is unsure what the opportunities are to comment locally. Variances will be identified that are the differences between their plans and what a risk based remedial action will be. Then there will be discussions concerning the decision by the Department on proceeding with discussions with the regulators, stakeholders, and the community. The decision on whether DOE needs to change the baseline to pursue those variances. There will be a lot of opportunity for public involvement as DOE moves forward with the process.

1lc: Ms. Gedrey requested again that the criteria being used be identified, and what public involvement process is being used.

A participant asked Mr. Daley if he was familiar with the IA2 process. Mr. Daley responded that he was not.

Participants continued discussing among themselves, and with Ms. Gedrey, but not clear enough to be recorded.

11c: Mr. Daley responded that what the DOE has heard clearly from the sites around the complex. He explained that this was a very fast track process to allow the DOE to receive all the draft vision documents together. He stated that it is clear that there needs to be more opportunity for public involvement. He also explained that he is not certain that a process has been established, to get citizens advisory boards and other stake holders involved on a regular basis.

Mr. Daley also explained that the decisions will not be unilateral. The decisions will be negotiated and discussed with the public. He further elaborated that the concerns about a planned process for public involvement is not unlike what has been heard around the complex. A commitment was made that the DOE will do better at providing a planned process that involves the public.

Question 12: Audience participant unidentified. Two primary concerns expressed:

1) The DOE is going to have final say on the nuclides and the radioactive standards that are going to be set. Explained that in the past he lived and played in the Los Alamos area.
2) What is considered residential and what is considered industrial. Two to three generations ago the land was Spanish land grant and Pueblo land, and national forest. His desire is to have all of the area cleaned up. Stated that we can't afford to have more of the water polluted. He believes that a higher standard of clean up is need. He acknowledged the earlier discussion that it wasn't feasible to perform clean up to a high standard. He feels the area should be left the way it was found.

Answer 12: Provided by Mr. Gregory. He stated that the DOE is performing cleaning up to a high standard. He further stated that clean up is being done to standards that have been put in place by public policy. The standards can be changed by public policy. They are established and developed by public policy. He addressed the concern regarding wanting to put the land back the way it was prior to Lab use, and stated it is unrealistic due to an active mission at the Lab that is an essential part of our country.

Question 13: Audience participant unidentified. A request was made for a short discussion on previous clean up end-states used in the past at the Lab and the risk based end-states that are being used now.

Answer 13: Provided by Mr. Gregory. He requested that the slides used previously be shown again. He went over the slides again with further clarification on the clean up end-state that occurred in Sandia Canyon. Mr. Gregory provided a second example using T-53 and the investigations and actions that have occurred at that location.

Question 14: Audience participant unidentified. How was potential land use determined? What was the process, and who was involved in that process for determining potential future land use?

Answer 14: Mr. Gregory responded. He stated that there are a couple of mechanisms for that. The DOE has a Ten-year Comprehensive Site Plan. The plan is updated annually. It establishes the site planning for future use. Also, public law for land transfer is used.

Question 15: Jay Cogman, Nuclear Watch of New Mexico.

Requested that a copy of the Ten-year Comprehensive Site Plan be provided to him.

Mr. Cogman asked the question "Why should the public trust the DOE and the Lab that there is going to be any comprehensive clean up?" This question was asked at the conclusion of his comments. A synopsis of the comments have been provided below.

Mr. Cogman stated that he had observed a pattern by the DOE. That pattern is avoiding any coherent clean up planning. He stated that the Department as a whole strenuously avoided doing nation wide review of it's clean up program, and expressed that the DOE went to great lengths to settle out of court in order to avoid planning. He stated that in the same vein, Los

Alamos has avoided coherent planning. He further expressed that the DOE completely failed to analyze their environmental restoration project in the 1999 Environmental Impact statement. He stated that he believes that "all of this is by design to keep things confused and scattered so that DOE and the Lab can shoot from the hip."

He stated that he took exception to the statements Mr. Gregory had made. Specifically that the risk based end-states would play the biggest role in land clean up from a rational viewpoint. He stated that he suspected that the state of New Mexico might have a different view. Mr. Cogman also stated that Mr. Gregory had stated that the risk based end state document is not a decision document and that it is not tied to funding. However, Mr. Cogman stated that the document is tied to the Performance Management Plan which is very much tied to funding. He also stated that DOE is currently withholding money from the New Mexico sites essentially because the state won't sign-off on the Performance Management Plan. He also identified that Mr. Gregory had stated that there won't be any abandoning of clean up, yet it is explicit in the risk based end-state document that all of the material disposal areas, that is the dumps, are in fact going to be abandoned as cap cover and walk away.

Answer 15: Provided by Mr. Gregory. He addressed the Material Disposal Areas first, and that the vision document states that they will be abandoned as they are or place a cap there. He explained that early on in establishing a plan and being able to identify cost and being able to submit something for long term life-cycle planning the DOE had to identify assumptions. The assumptions that were made and used in the planning documents are based on best available knowledge and data at the time. He explained that changes are made as new information becomes available, and that plans for at least two of the sites have been revised relative to material being abandoned in place and capped. He further explained that it is determined based on the risk of leaving it there versus what could be done to ensure that a situation is not created that is harmful to the environment or human health. He explained again that decisions are made based on the best available information at the time, and that DOE recalibrates continually all through the year and apply working plans to achieve the goals that we need to be protecting human health and the environment. That is all part of the assessment and characterization following the RCRA process.

Mr. Gregory rhetorically stated "why should you trust us?" He stated that he was sorry that Mr. Cogman didn't trust the DOE. He went on to explain that the DOE is focused on using tax dollars to do the very best that can be done for the environment. He stated that the DOE lives there, and that it is their environment as well. There is no intention of taking short cuts, or getting out of doing the right things.

Mr. Gregory acknowledged the request for the Ten-year Plan.

Question 16: Bill Robbins, Attorney from Santa Fe asked several questions:

1) How dependant is the state's cooperation on the DOE plan?
2) What if the state doesn't go along with the plan?
3) What guarantee is there for citizens, and for the state that anything will be done?

4) If the state decides to litigate, does that mean everything stops until that litigation stops, or there is a decision.

Mr. Robbins also stated that it is known that the DOE is going to hold back funds, and that it is being done to extract an agreement from the state. Mixed waste was also addressed by Mr. Robbins, and the DOE's position that the state doesn't have authority over mixed waste. However, a question was not provided specifically addressing mixed waste.

Answer 16: Provided by Mr. Gregory. Mr. Gregory stated that the DOE will provide all the available funding into risk reduction, and attacking the highest risk sites first.

Question 17: Mr. Robbins asked "if the funding is zero how does the DOE accomplish anything?"

Answer 17: Provided by Mr. Gregory. Mr. Gregory responded that realistically there won't be zero funding, and that levels are being impacted with funding. The DOE will attack the sites that they can with the money available.

Question 18: Participant name unclear. Participant asked why funding had been reduced. Additional discussion occurred that could not be heard clearly on the tape.

Answer 18: Provided by Mr. Gregory. He stated that there are conditions and requirements that have to be met. He further stated that the language is written into the congressional funding bills that require some level of agreement before some of the clean up account funds can be released.

Matt Johansen asked if he could help out, and Mr. Gregory responded affirmatively.

Mr. Johansen explained that there are two levels: 1) base level and 2) accelerated level. The base level is a certain level of funding and work that has to be done on the site. That will be done regardless of the funding. He went on to explain that there is an opportunity. DOE Headquarters has laid out a plan that can be applied for and become involved in, if they meet certain conditions. This provides extra money on top of the base funding. He clarified that DOE Headquarters is not telling the site that they will zero out the site. The discussion is about a special program to accelerate work forward, and the result will be a quicker clean up.

Rich Daley further explained that the accelerated money that Johansen was withheld because of language in the congressional appropriations. He stated that occurred due to a conference committee from both the Senate and the House with both parties participating. He further stated the language said that accelerated money would be held back until there was agreement between the state and the DOE on how to best accelerate the clean up.

Mr. Gregory added that the DOE does not have the authority to hold back money, based on the language in the spending bill. He also explained that the DOE does not have the authority to release the funds from the clean up account.

Question 18: Roger Snodgrass, Los Alamos Monitor, asked "Is it safe to say, bottom line, less clean up, may be more effective, but less clean up. Is that a safe statement?"

Answer 18: Provided by Mr. Gregory. Mr. Gregory responded that he didn't think so, that the DOE is not looking at less clean up. He explained further that they are looking at the most responsible and achievable clean up and that everyone's perspective is that clean up will be tailored to the planned land use. He stated that it won't be any less. That the baseline that was developed and submitted has a foundation of a risk based end-state.

Question 19: Audience participant unidentified. "What does this document that was presented tonight have to do with accelerated cleanup if anything?"

Answer 19: Responded by Mr. Gregory. He stated that it lays the foundation and establishes a set of conditions that the DOE is working to achieve.

Participant responded that "per se it has nothing to do with it."

Mr. Gregory requested that Mr. Daley respond.

Mr. Daley responded that the answer goes back to an earlier question about "how is clean up different." He continued that since the late eighties when the Department established the office of Environmental Management to conduct clean up, the DOE has done clean up on a number of things that didn't present any risk, and didn't need to be clean up. It was done because we had the money, it was a program that was growing, and the DOE was trying to be responsive to the communities in which they operated. Mr. Daley stated that perhaps DOE should provide some of the things done in the past where money was spent cleaning up things that didn't need to be clean up. He provided an example of unlined surface impoundments relative to risk that he had been involved with at another laboratory, and outlined some of the actions taken. The summary statement made by Mr. Daley was that the DOE doesn't have to spend money on things that don't really need to be cleaned up. The money can be spent on things that do need to be cleaned up. He further explained "that is the basis of what the DOE is trying to do with risk based end-states. Spend the money where it needs to be spent."

Mr. Daley stated that the DOE recieved congressional approval last year above what the baseline budget was going to be in order to accelerate clean up. After that money is gone the budget ramps way down. He further stated that the DOE needs to make the best use of the clean up dollars and it is done by cleaning up the things that really present a risk, and not cleaning up things that don't really need to be cleaned up. He stated that is what this risk based end-state is all about.

Participant started to ask a question about the risk based document, and the DOE attempt to get a handle on what the real risks are. Mr. Daley completed the participant's statement by stating that what the risks are depends on the future land use at those sites. Mr. Daley continued to discuss risk, and used the example of cleaning up a land fill, surface impoundment, etc. to residential standard, when there is no chance that a residence will be on

that site for a very long time. Mr. Daley discussed priorities in the country for how the money is to be spent.

Question 20: Jim Brannon, Chairperson of the Northern Mexico Citizen's Advisory Board. Mr. Brannon stated that one of the slides about the risk based end-state document states that the document is not a decision document. Yet once it becomes policy it will become a decision document. He stated that his concern is that it will drive the baselines for the funding. He stated that the idea of acceleration and getting done by 2015 is a wonderful idea, however, if the accelerated funding is not provided, an end-state still exists.

He stated that the question for him and a lot of others is "whose vision is it? It cannot be the DOE vision, the vision of the state alone, it can't be Nuclear Watch, etc. He stated that it has to be the community's vision, and that is going to take some real time to develop. In the final analysis it will be a policy document. Once it is a policy document it will drive baselines and funding for some time in the future. We have to decide what that vision is going to be, and that is going to take more time than we have now." Mr. Brannon went on to explain that there is a wide divergence on agreement of what the end-state and the land use, or the level of risk that is acceptable is going to be. He stated that he is concerned about the speed and lack of public participation, and the lack of a plan. He requested that his message be taken back to the DOE**.**

Answer 20. Mr. Gregory responded. His response was to the statement that the risk based end-state will drive the baseline and affect the way clean up is done. He explained that one of the tasks requested of the DOE by EM was a crosswalk and the preparation of a variance document. Alison Dorries named as responsible for the effort. He stated that a comparison was done between the current baseline and what the baseline might look like when the vision is adopted. Mr. Gregory stated that the variations are very small, and the DOE doesn't anticipate that once it is adopted and becomes policy, while it won't be a decision document, it is going to impact decisions on where the DOE performs clean up, but the DOE doesn't anticipate a reduction in funding for clean up.

Question 21: Audience participant unidentified, and stated he has a couple of concerns.

1) Concerns with the process. DOE Order 455.1 (got his copy from Public Outreach and Involvement) states that most sites of existing outreach mechanisms should engage the public in RBES documents. He stated that his perception is that the DOE has not involved the public, and is in violation of their DOE orders.

2) He stated that it has been a chronic ongoing problem with Los Alamos that EM document are not available to the public. He stated that this has been discussed with Bev Ramsey repeatedly, with no satisfaction. He further stated that he can see no reason why EM documents can't be open to the public, and the public encouraged to involve themselves and understand the process. He feels that is not being done at the Lab. He asked the question why some documents are "official use only." He stated that LANL is continually in violation of the California Public Records Act, and that DOE seems to not care. He further explained that the public does not trust the DOE

or Los Alamos because they are not open about their process or their data. He stated that one issue that never came up in the IA2 process mentioned earlier is the public perception of risk. The public perception of risk is based on trust.

Answer 21: No answer was provided to the question.

Question 22: Audience participant unidentified. An observation was provided that the risk based end-state document presents the vision that clean up is going to occur when there is not going to be clean up. He stated that what the risk based does is allow the DOE due to the lack of funds to keep in place all of the solid waste management units. He furthers explained that it creates a system that will allow the solid waste management units to leach into the environment under the assumption that a certain amount is acceptable for human beings to be receptors of. He further stated that the numbers being used are the highest numbers he has seen anywhere including Russia – 100 mrem total cumulative dose. He goes on to state that the traditional standard of clean up is removal. He also states that there are solid waste management units at LANL that do not meet DOE Order 435.1 for solid waste disposal. His summary was a statement that the risk based end-state is a way of saying that the DOE is out of money and that it won't be cleaned up.

Answer 21: Response by Mr. Gregory. He stated that the DOE has no plans or intentions of leaving any waste behind that will be harmful to anything in the environment, to humans, any populations, plants or animals. He further stated that there are some acceptable levels of contamination. He used chlorine in water as an example, as well as standards that are used, and the issue of maximum levels of contamination allowed. He went on to discuss that the risk based initiative is a continuum that doesn't have an end and will continue below meeting threshold levels that satisfy compliance.

Question 22: Audience participant unidentified. She stated that she would like to make a couple of statements. She stated that she is concerned about something she saw in an earlier presentation concerning permeable barriers in Mortandad Canyon. She explained that it is her understanding that the barriers will be left as legacy waste. She stated that she would encourage, as others have during the meeting that trash not be left all over. If the DOE is deciding on a policy that will leave the barriers in place or remove them and place them in one place that is well documented, so that when future generations have to deal with the waste, there is a single place designated for waste. She stated that it would be helpful for the public to see what it will cost now, and what it will cost in the future to leave waste in place and to provide clean up.

Answer 22: Mr. Gregory responded. He stated that all MDAs are going through a corrective measures study, and there will be another public process. Mr. Gregory stated that he recognized that the CAB has made comments on making sure that the CMS process allows for greater public involvement and participation and being able to identify options. He further stated that the DOE is incorporating those comments into policy now.

Question 23: Audience participant unidentified. Statement about diseases that exist in Northern New Mexico based on work being done at Los Alamos by DOE. A request was

made that the work stop, clean up be completed, and the DOE return all work to the Washington area.

Answer 23. None provided.

Comment request by unidentified audience member. He stated a general disappointment with the public and the constructive criticism that has been provided. He stated that the public doesn't show up at the CAB meetings. He stated that if they are truly concerned they need to show up at the meetings, and state what the public wants to hear. He provided the time of the next CAB meeting, and stated that he is on the CAB chair.

Mr. Gregory reiterated that subject matter experts will remain after the close of the meeting, for one-on-one discussions about the posters. He thanked the audience for coming.